

REMARKS

Claims 1-42 were pending as of the action mailed on March 17, 2010. Claims 1, 10, 19, 25, and 34 are in independent form.

Claims 1, 10, and 19 are being amended. The amendments do not change the scope of the claims. No new matter has been added. Reconsideration of the action is respectfully requested in light of the foregoing amendments and the following remarks.

The Examiner rejected claims 1-18 under 35 U.S.C. § 101 as allegedly directed to non-statutory subject matter. The Examiner rejected claims 1-18 under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner rejected claims 1-42 under 35 U.S.C. § 102(b) as allegedly being anticipated by “Jumping Beans,” Ad Astra Engineering, 12/3/1998, pages 1-44 (“Jumping Beans”).

Applicant respectfully traverses the rejections.

Section 101 Rejections

The Examiner rejected claims 1-18 under 35 U.S.C. § 101 as allegedly directed to non-statutory subject matter. Specifically, the Examiner states that the claimed console does not have physical structural elements. In order to expedite prosecution, and without prejudice, Applicant has amended claims 1 and 10 to recite “one or more processors.” Applicant respectfully requests that the section 101 rejections be withdrawn.

Section 112 Rejections

The Examiner rejected claims 1-18 under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. Specifically, the Examiner seems to suggest that the claimed console is indefinite for failing to include structural elements. Applicant respectfully disagrees. Whether it could be argued to be software or hardware does not render the claim indefinite under section 112. However, as set forth above with respect to the section 101 rejection, claims 1 and 10 have been amended to recite one or more processors. Therefore, Applicant respectfully submits that

the section 112 rejection is now moot. Applicant respectfully requests that the section 112 rejections be withdrawn.

Section 102 Rejections

Claim 1

Claim 1 is directed to a jumping application morphing console that alters a jumping application that is jumping between two or more hosts connected to the morphing console. The morphing console includes a morphing module that alters the jumping application as the jumping application jumps between hosts including receiving the jumping application jumping from a first host to a next host, altering the jumping application, and sending the jumping application to the next host.

The Examiner states that Jumping Beans teaches the claimed morphing module corresponds to the Jumping Beans central management console at the abstract at page 1, paragraph 3; the Figure in page 24; and page 30, second paragraph. Applicant respectfully disagrees.

The Jumping Beans abstract, third paragraph, describes the use of Jumping Beans in enterprise environments. Additionally, the cited portion states that management of a mobile system is made simple through Jumping Beans' central management console. Applicant respectfully asserts that the cited portion simply describes the Jumping Beans system as having a central management console. The cited portion does not teach or suggest any altering of a jumping application received from a first host and prior to sending the jumping application to a next host.

The figure in page 24 shows a client server architecture of hosts and a server such that the mobile application passes through the server on each hop. This is shown in contrast to a peer to peer architecture. However, Applicant respectfully asserts that the figure does not teach or suggest any *altering* of a jumping application received from a first host and prior to sending the jumping application to a next host.

Page 30, second paragraph, describes a benefit to a client/server architecture in that a host can send the mobile application to another host even if the destination host is disconnected because the server had hold the mobile application in a dispatch queue until the destination host

is available. Again, Applicant respectfully assert that the figure does not teach or suggest any *altering* of a jumping application received from a first host and prior to sending the jumping application to a next host.

Thus, the portions of Jumping Beans identified by the Examiner do not disclose or suggest any morphing module or any altering of a jumping application at the morphing module.

In the response to Applicant's previous arguments, the Examiner identifies additional portions of Jumping Beans. However, these portions were not relied upon in the substantive rejection of the claims. Applicant respectfully requests that the Examiner include these portions as well as an explanation of their pertinence within the body of the section 102 rejection if the Examiner intends to rely on them in rejecting the claims.

Regardless, these additional citations fail to teach or suggest a morphing module or altering of a jumping application at the morphing module. The Examiner points to page 3, second paragraph and page 18 as teaching the claimed altering of the mobile application at the morphing module. Applicant respectfully disagrees.

Page 3, second paragraph, describes that the Jumping Beans system provides automated responses to different network events. In particular, the cited portion describe automatic dispatch of mobile applications in response to network events. The cited portion does not teach or suggest any morphing module that alters the jumping application as the jumping application jumps between hosts.

Page 18 describes access control lists for mobile applications, saving sensitive information on a server, and the use of public/private key pairs to enforce secure communication. The cited page does not specifically describe any actions as being performed on the server that alters a mobile application. The location where an access control list is changed is not specified (e.g., on a host when initiating a jump to the next host). Furthermore, the change in the access control list, which identified permissions for a receiving host with respect to the mobile application, does not alter the mobile application. Therefore, Applicant respectfully submits that these additional portions fail to teach or suggest the claimed morphing module.

The Examiner also notes that the Applicant should consider the reference as a whole and the citations are just representative of the teaching in which other teachings may also apply. Applicant respectfully notes that this does not negate the requirement that the Examiner identify

with particularity the portions of the reference relied upon as teaching each and every feature in order to support a *prima facie* case for anticipation.

Moreover, Applicant respectfully submits that the Examiner has failed to establish a *prima facie* case for anticipation. In order to establish a *prima facie* case, the Examiner must identify each and every feature as specifically taught by the cited reference. To the contrary, the Examiner has failed to identify the claimed morphing module. Further, the Examiner has failed to identify any teaching in Jumping beans of altering the mobile application at the morphing module. The Examiner has not identified how the cited portions teach any altering of the mobile application or shown any teaching specifically showing that such altering is performed at the morphing module during a jump from a first host to a next host. Therefore, Applicant respectfully submits that the Examiner has failed to establish a *prima facie* case for anticipation.

Applicant respectfully submits that claim 1 is in condition for allowance.

Claims 2-9 depend from claim 1 and are allowable for at least the same reasons.

Claim 4

Claim 4 is directed to instructions that store one or more particular behavior packages that are associated with each host of the jumping application system where each behavior package adjusts one of a state and a behavior of a jumping application using the capabilities of the particular host.

The Examiner states that Jumping Beans teaches the claimed behavior packages at page 31, messaging section and page 33, itinerary section. Applicant respectfully disagrees. The cited messaging section at page 31 describes a host that can send a message to a mobile application by sending a message to the server, which then forwards the message to the current host of the mobile application. *See* page 31. The cited portion does not teach or suggest any behavior package associated with each host where each behavior package adjusts one of a state and a behavior of a jumping application using the capabilities of the particular host.

The cited itinerary on page 33 simply describe storing a permanent record of the mobile application's travels within the network. Again, the cited portion does not teach or suggest any behavior package associated with each host where each behavior package adjusts one of a state and a behavior of a jumping application using the capabilities of the particular host.

Again, no *prima facie* case for anticipation can be established without identifying each and every feature as taught by Jumping Beans. The cited portions do not make any reference to behavior packages or a behavior package associated with each host where each behavior package adjusts one of a state and a behavior of a jumping application using the capabilities of the particular host

Additionally, the Examiner has failed to address this argument in the present action, contrary to MPEP 707.07(f).

Applicant respectfully submits that claim 4 is allowable for this additional reason.

Claim 10

Claim 10 is directed to a jumping application morphing console that includes means for altering the behavior of the jumping application for the next host using a particular behavior package associated with the next host when the jumping application jumps between a first host and the next host where the console alters the behavior after the jumping application leaves the first host and before the jumping application arrives at a next host. For at least the same reasons as set forth above with respect to claim 1, claim 10, as well as claims 11-18, which depend from claim 10, are in condition for allowance.

Claim 19

Claim 19 is directed to a computer-implemented method for altering the behavior of a jumping application that includes receiving at a morphing console a jumping application dispatched from a first host during a jump between hosts, altering the behavior of the jumping application for the next host based on using a behavior package associated with the next host, and dispatching the jumping application to the next host. As set forth above with respect to claim 1, Jumping Beans does not teach or suggest altering the behavior of a jumping application during a jump between hosts according to a behavior package associated with the next host. Applicant respectfully submits that claim 19, as well as claims 20-24, which depend from claim 19, are in condition for allowance.

Claim 25

Claim 25 is directed to a jumping application morphing system that includes a management and security console connected to two or more host computers where the management and security console includes a morphing module that alters a jumping application as the jumping application jumps between hosts, where the morphing module receives the jumping application from a first host and alters the jumping application before sending the jumping application to a next host. For at least the same reasons as set forth above with respect to claim 1, claim 25, as well as claims 26-33, which depend from claim 25, are in condition for allowance.

Claim 34

Claim 34 is directed to a server computer for a jumping application morphing system that includes instructions that determine a next host to which the jumping application, received from a first host, is being dispatched and instructions that alter the behavior of the received jumping application for the next host based on using a particular behavior package associated with the next host. For at least the same reasons as set forth above with respect to claim 1, claim 34, as well as claims 35-42, which depend from claim 34, are in condition for allowance.

Conclusion

For the foregoing reasons, Applicant submits that all the claims are in condition for allowance.

By responding in the foregoing remarks only to particular positions taken by the Examiner, Applicant does not acquiesce with other positions that have not been explicitly addressed. In addition, Applicant's selecting some particular arguments for the patentability of a claim should not be understood as implying that no other reasons for the patentability of that claim exist. Finally, Applicant's decision to amend or cancel any claim should not be understood as implying that Applicant agrees with any positions taken by the Examiner with respect to that claim or other claims.

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Respectfully submitted,

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